

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:  HEATHER N. LIGHTLE, and THOMAS J. LIGHTLE, Debtors,  TOYOTA MOTOR CREDIT CORPORATION,  Movant,  v.  HEATHER N. LIGHTLE, THOMAS J. LIGHTLE, and WILLIAM C. MILLER, Trustee,  Respondents.	Bankruptcy No. 19-16788-elf  Chapter 13  Document No.
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Toyota Motor Credit Corporation, by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), representing as follows:

THE PARTIES

1. Respondents, Thomas J Lightle and Heather N Lightle, (“Debtors”), are adult individuals with a place of residence located at 1314 7th Avenue, Swarthmore, PA 19081.
2. William C. Miller, is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about October 30, 2019, Debtors filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. On or about June 9, 2018, Debtors purchased a 2018 Toyota Highlander, VIN# 5TDJZRFH9JS541087, pursuant to a Retail Installment Contract (the “Contract”) with the Movant, a true and correct copy of which is attached hereto as Exhibit A.

6. Movant has a secured interest in the 2018 Toyota Highlander, VIN# 5TDJZRFH9JS541087, as evidenced by the Certificate of Title attached hereto as Exhibit B.

7. The Contract requires monthly payments of \$705.33, which amounts are due on or before the 24th of each month.

8. As of the date of this Motion, Debtors are in default of their payment obligations to Movant in the amount of \$2,115.99. Debtor(s) is currently due for the payment due on December 24, 2020.

9. Debtors’ Chapter 13 Plan states that the Debtors will make post-petition payments through the Plan.

10. The gross balance due on the Contract is \$28,548.19.

11. The N.A.D.A value for the 2018 Toyota Highlander, VIN# 5TDJZRFH9JS541087 is \$30,075.00. A true and correct copy of a printout showing that value is attached hereto as Exhibit C. Although there appears to be some equity, the Debtors are still responsible for making monthly payments to Movant.

12. Movant is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because Debtors have failed to make post-petition payments to Movant. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Toyota Motor Credit Corporation, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay with respect to the 2018 Toyota Highlander, VIN# 5TDJZRFH9JS541087.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Dated: March 19, 2021